

**DURHAM, NORTH CAROLINA  
MONDAY, APRIL 15, 2002  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Excused Absence: Council Member Edwards.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order and at that time, he read a proclamation proclaiming April 22, 2002 as "*Earth Day*."

David McCary, Solid Waste Management Director, invited everyone to participate in the celebration of Earth Day on Saturday, April 20, 2002 at the Old Historic Durham Park.

Council Member Clement recognized Beth and Jim Maxwell for their volunteer activities. Also, he announced that he along with Mayor Pro Tempore Cheek participated in the Walk for Education held April 13.

Council Member Best congratulated Scott Riggs for winning his first NASCAR Bush Series Race.

Council Member Cole-McFadden requested a moment of silence in memory of Durham Housing Authority Board Member Alice Anderson. Also, she made comments about the Weed and Seed program relocating to E. D. Mickle.

At this time during the meeting, the Pledge of Allegiance was cited.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested that two items [Eagle Village CDC Subrecipient Agreement for Infrastructure Improvements on Murphy Street and EPA Vulnerability Assessment Grant Application Request] be added to the agenda. Relative to the Eagle Village CDC Subrecipient Agreement approved by Council at its April 1, 2002 City Council Meeting, she noted two corrections to the Scope of Services [Attachment A] which include changing the number of units from 11 to 10 and increasing the allowable income of purchasers from 60% of the median to 80% of the median). Also, the City Manager provided additional information on Consent Item #26 [USA Baseball] stating the resolution has been amended to contain a new Section 4 (see handout). Further, she distributed plan maps for Items #34 and #35.

**MOTION** by Council Member Clement seconded by Council Member Cole-McFadden to add items [Eagle Village CDC Subrecipient Agreement for Infrastructure Improvements on Murphy Street and EPA Vulnerability Assessment Grant Application Request] to the agenda was approved at 7:16 p.m. by the following vote: Ayes: Mayor

**APRIL 15, 2002**

Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

City Attorney Blinder made a public disclosure of the particulars of a potential conflict of interest involving the Mayor and a similar potential conflict of interest involving Council Member Edwards. These public disclosures are in connection with requests by the City to the Department of Housing and Urban Development to be allowed to enter into a contract between the City and UDI Community Development Corporation, a nonprofit corporation and a contract between the City and the YMCA of Greater Durham another nonprofit corporation.

Mayor Bell explained why he asked the City Attorney to address the public disclosure issue.

There were no priority items from the City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. The followings items were pulled from the Consent Agenda: #5 [NC 54/ I-40 Corridor Plan]; #9 [Contract Extension – Janitorial Services for the Police Department Building; #26 [USA Baseball]; #40 [Citizen Matter - Newman Aguiar – Partners Against Crime – District 2; and #45 [Small Business Loan Program Repayment to HUD].

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

#### **[CONSENT AGENDA]**

##### **SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Lanya Shapiro to the Citizens Advisory Committee as a Target Area Member (Walltown) for a term to expire June 30, 2004 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

##### **SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Richard W. Owen to the Human Relations Commission as a Non-Minority Member for a term to expire June 30, 2002 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**APRIL 15, 2002**

**SUBJECT: CITIZENS ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill two (2) vacancies for CITY-WIDE MEMBERS. One term will expire June 30, 2002 and one term will expire June 30, 2004 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: DURHAM AREA TRANSIT AUTHORITY – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application to fill one (1) vacancy for a REGULAR MEMBER. The term will expire March 1, 2005 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: BIDS - ESTIMATED TWO (2) YEARS REQUIREMENTS FOR BIOXIDE (216,000) GALLONS - US FILTER/DAVIS PROCESS PRODUCTS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from US Filter/Davis Process Products in the amount of \$388,800.00 for furnishing the City with its Estimated Two (2) Years Requirements for Bioxide®; and

To authorize the City Manager to enter into a contract with US Filter/Davis Process Products in the amount of \$388,800.00 for providing the City with its Estimated Two (2)Years Requirements for Bioxide®; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: BID REPORT - FEBRUARY 2002**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes bids and items displayed that were acted upon by the City Manager during the month of February 2002 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best,

**APRIL 15, 2002**

Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**CITY OF DURHAM NORTH CAROLINA**

March 26, 2002

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Navdeep S. Gill, Finance Director  
Kenneth C. Pennoyer, Assistant Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **February 2002**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

**1. Bid: Two Multiple Stage Screen Wash Presses**

Purpose of Bid: To provide the South Durham Water Reclamation facility with two multiple stage screen wash presses to be used in the wastewater treatment.

Comments: Lakeside Equipment is the only known supplier able to provide this equipment.

Opened: December 17, 2001

Bidders: Lakeside Equipment Corporation \*\$58,000.00  
Bartlett, IL

\*Awarded based on: \_\_\_\_\_ Low Bid X Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Lakeside Equipment Corporation of Bartlett, IL and have determined that they are in compliance with the Minority and Women Business Enterprises Ordinance.

There were no M/WBE firms in the databank to provide this product.

The workforce statistics for Lakeside Equipment Corporation are as follows:

Location Performing on Contract  
Bartlett, IL

2000/2001

**APRIL 15, 2002**

Total Workforce	49	100%
Total # of Females	12	24%
Total # of Males	37	76%
Total # of Black Males	1	3%
Total # of White Males	33	67%
Total # of Other Males	3	6%
Total # of Black Females	0	0%
Total # of White Females	12	24%
Total # of Other Females	0	0%

Performance Bond: ☒ Waived ☐ Not Waived ☐ Not Required

**2. Bid: One All Terrain Mower**

Purpose of Bid: To provide the Property and Facilities Management Department with an all terrain mower to be used in their grounds maintenance operations.

Comments:

Opened: January 18, 2002

Bidders:	Gloucester Equipment	* \$26,000.00
	White Marsh, VA	
	Deweze Manufacturing	\$28,000.00
	Harper, KS	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	9		# Black Males	2	22%
Total # Females	2	22%	# White Males	5	56%
Total # Males	7	78%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	22%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required  
The M/WBE Data Base was used in the solicitation of bids for this item.

**3. Bid: Two (2) Exmark LZXP Lawnmowers**

Purpose of Bid: To provide the Cemeteries Division with two new mowers to be used in their grounds maintenance operations.

Comments:

**APRIL 15, 2002**

Opened: January 18, 2002

Bidders:	Barnhill Equipment Company, Inc.	*\$22,039.7
	Durham, NC	
	Steve's Lawn & Garden	\$22,040.00
	Oxford, NC	
	Wilson's Outdoor Equipment	\$22,460.00
	Raleigh, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	12		# Black Males	0	0%
Total # Females	1	08%	# White Males	11	92%
Total # Males	11	92%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	08%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**4. Bid: Hurst Tools**

Purpose of Bid: To provide the Fire Department with Hurst Tools

Comments: Hurst Tools are used to extricate individuals out of wrecked vehicles.

Opened: January 18, 2002

Bidders:	Newton Fire & Safety Equipment, Inc.	* \$19,765.00
	Sweptsonville, NC	
	MDS Matrix Medical	\$24,007.00
	Ballentine, SC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	12		# Black Males	0	0%
Total # Females	2	17%	# White Males	10	83%
Total # Males	10	83%	# Other Males	0	0%

APRIL 15, 2002

# Black Females	0	0%
# White Females	2	17%
# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived X Not Required  
The M/WBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Contract Extension – Estimated Annual Requirements for Office Supplies**

Purpose of Bid: To provide the City with a one year firm price contract for office supplies.

Comments: In December 2000 Brame Office Products, Inc., was awarded a contract for the City's Estimated Annual Requirements for Office Supplies. The contract contained an extension clause that would allow for a contract extension for one additional year upon agreement of both parties. Brame Office Products has offered to extend this contract an additional year with no price increase.

Opened: December 20, 2000

Bidders: Brame Office Products, Inc. \*\$75,000.00  
Durham, NC

\*Awarded based on: \_\_\_\_\_ Low Bid X Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Brame Office Products of Durham, NC to determine that they were in compliance with the Minority and Women Business Enterprises Ordinance.

This is a contract extension.

The workforce statistics for Brame Office Products are as follows:

**Location Performing on Contract**

Foster Street  
Durham, NC

	2001			2002	
Total Workforce	15	100%	Total Workforce	16	100%
Total Females	7	47%	Total Females	7	44%
Total Males	8	53%	Total Males	9	56%
Black Males	2	13%	Black Males	4	25%
White Males	6	41%	White Males	5	31%
Other Males	0	00%	Other Males	0	00%
Black Females	2	13%	Black Females	2	13%
White Females	5	33%	White Females	5	31%

**APRIL 15, 2002**

Other Females        0        00%                      Other Females        0        00%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

**6. Bid: Six Motorola Model III Mobile Radios**

Purpose of Bid: To purchase six Motorola radios for the Police Department.

Comments: These radios are being purchased with Grant money and must be spent before February 28, 2002. Otherwise they will not be eligible to spend this money. Motorola is the only known source for this model of radio.

Opened: February 8, 2002

Bidders: Motorola, Inc.                      \$ 3,156.00/ea  
              Durham, NC                      \*\$18,936.00

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	61,631		# Black Males	2,381	04%
Total # Females	18,899	31%	# White Males	30,060	49%
Total # Males	42,732	69%	# Other Males	10,291	17%
			# Black Females	1,892	03%
			# White Females	11,966	19%
			# Other Females	5,041	08%

LOCATION OF PERFORMING CONTRACT  
Raleigh, North Carolina

Total Workforce	20		# Black Males	03	15%
Total # Females	03	15%	# White Males	12	60%
Total # Males	17	85%	# Other Males	02	10%
			# Black Females	01	05%
			# White Females	02	10%
			# Other Females	00	00%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**7. Bid: Police Escape Hoods**

Purpose of Bid: To provide the police department with riot control equipment/gear.



**APRIL 15, 2002**

Comments: This equipment is being purchased with grant money.

Opened: February 11, 2002

Bidders:	Kair, Inc.	*\$14,275.00
	Wexford, PA	
	Safety Equipment America, Inc.	\$15,300.00
	Branford, CT	
	FDC Rescue	\$21,680.00
	Glendale, AZ	

\*Awarded based on: \_\_\_\_\_ Low Bid X Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	4		#Black Males	0	0%
Total # Females	1	25%	# White Males	3	75%
Total # Males	3	75%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	25%
			# Other Females	0	0%

LOCATION OF PERFORMING CONTRACT  
Wexford, PA

Total Workforce	2		# Black Males	0	0%
Total # Females	1	50%	# White Males	1	50%
Total # Males	1	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	50%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**8. Bid: Repair Expansion Joints at South Durham WRF**

Purpose of Bid: To provide and install flexible (combiflex) material on the expansion joints of aeration (wastewater) basin to prevent leakage.

Comments: Bids were mailed to several vendors and only one response was received.

Opened: February 15, 2002

Bidders:	Eastern Restoration & Waterproofing, Inc.	*\$24,500.00
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**APRIL 15, 2002**

Madison, NC

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	0%
Total # Females	0	0%	# White Males	5	100%
Total # Males	5	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT: BIDS – ESTIMATED ANNUAL REQUIREMENTS FOR REFUSE AND YARD WASTE COLLECTION CARTS - CASCADE ENGINEERING, INC.**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Cascade Engineering, Inc., in the amount of \$319,050.00 for providing the City with its Estimated Annual Requirements for Refuse and Yard Waste Collection Carts; and

To authorize the City Manager to enter into a contract with Cascade Engineering, Inc., in the amount of \$319,050.00, for providing the City with its Estimated Annual Requirements for Refuse and Yard Waste Collection Carts; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**APRIL 15, 2002**

**SUBJECT: STOP SIGNS - STRAWBERRY HILLS SUBDIVISION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

- (a) Callaway Court at Cherrycrest Drive, northwest corner;
- (b) Severna Court at Cherrycrest Drive, northwest corner; and
- (c) Sidbrook Court at Cherrycrest Drive, southeast corner

**Ordinance #12538**

**SUBJECT: STOP SIGNS - RUSKINS AVENUE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

- Ruskins Avenue at Cascadilla Street, northeast corner
- Ruskins Avenue at Holbrook Street, southwest corner

**Ordinance #12539**

**SUBJECT: STOP SIGNS - CAMBERLY SUBDIVISION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

- Grouse Court at Davie Road, southwest corner
- Camberly Drive at Grouse Court, northwest corner

**Ordinance #12540**

**SUBJECT: STOP SIGNS - MAGNOLIA PLACE SUBDIVISION, PHASE II**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was

**APRIL 15, 2002**

approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Mistletoe Lane at Carnation Drive, northeast corner  
Mistletoe Lane at Oleander Drive, southwest corner  
Mayflower Court at Carnation Drive, west corner  
Laurel Leaf Court at Oleander Drive, southwest corner  
Oleander Drive at Lumley Road, northwest corner  
Carnation Drive at Oleander Drive, northwest corner

**Ordinance #12541**

**SUBJECT: SPEED LIMIT - WATSON STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph on Watson Street from Geer Street, south to Winburn Avenue was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Ordinance #12542**

**SUBJECT: SPEED LIMIT - LEBANON CIRCLE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a 25 mph speed limit on Lebanon Circle beginning at the south intersection of Guess Road eastward to the north intersection of Guess Road was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Ordinance #12543**

**SUBJECT: SPEED LIMIT – CARNATION DRIVE AND OLEANDER DRIVE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to establish a 25 mile per hour speed limit on Carnation Drive from Page Road to Oleander Drive and Oleander Drive from Lumley Road to Carnation Drive was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Ordinance #12544**

**APRIL 15, 2002**

**SUBJECT: PARKING - OTIS STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the following ordinances was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

- (a) To establish handicap parking on the west side of Otis Street beginning in the area at a point 30 feet south of the south curb line of Formosa Avenue, if extended, and extending for a distance of 50 feet southwardly; and

**Ordinance #12545**

- (b) To prohibit parking on the west side of Otis Street beginning at the south curb line of Formosa Avenue, if extended, and extending for a distance of 30 feet southwardly.

**Ordinance #12546**

**SUBJECT: ASSESSMENT ROLL CORRECTION - SEWER MAIN ON  
RANDOLPH ROAD - HAVEN DRIVE - CAMBRIDGE ROAD -  
SUSAN M. LAW**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution for the correction of an error on the assessment roll for Sewer Main on Randolph Road from Pickett Road to Haven Drive; Haven Drive from Randolph Road to Cambridge Road and Cambridge Road from Haven Drive to Pickett Road (gives full relief of the assessment against the property of Susan M. Law because it duplicates a previous sewer main frontage fee charge) was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ORDERING PETITIONED IMPROVEMENTS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept a Certificate of Sufficiency from the Manager of Engineering for the following petitions; and

To adopt resolutions setting public hearings for May 6, 2002 for the following improvements was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**APRIL 15, 2002**

**Sewer Main on Hillock Place** - From West Property Line of Tax Map 821-1-6 to North Property Line of Tax Map 821-1-7H

**Sidewalk on Clermont Road (South/Side)**- From Pelham Road to Grandale Drive

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT – ACCORD CONTRACTORS AND DEVELOPERS, INC. - EMORY WOODS SUBDIVISION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a water and sewer extension agreement with Accord Contractors and Developers, Inc., to serve Emory Woods Subdivision, a 17.99 acre, 31 unit residential subdivision located east of Brandon Road, south of Chowan Avenue was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT – AEGIS GIBSON, L.L.C. - LYNN HOLLOW SUBDIVISION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a water and sewer extension agreement with Aegis Gibson, L.L.C., to serve Lynn Hollow Subdivision, a 19.96 acre, 86 unit residential subdivision located south of Gibson Road, between Lynn Road and Redgate Drive was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: DURHAM COUNTY HABITAT FOR HUMANITY (DCHFH) - \$500,000 HOUSING BONDS - SECOND MORTGAGE PROGRAM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve an allocation of \$500,000 to be used for permanent second mortgage financing of DCHFH constructed single-family homes; and

To approve the modified underwriting criteria as submitted by DCHFH; and

To approve the Reservation of Funds Agreement and associated loan documents and to authorize the City Manager to execute this agreement and all associated loan documents; and

To adopt an ordinance amending the Capital Project Ordinance, as amended, the same being ordinance #12479, increasing the value of section (d) of the ordinance from \$45,500,750 to \$46,000,750 was approved at 7:35 p.m. by the following vote: Ayes:

**APRIL 15, 2002**

Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: BARNDOR PROPERTIES REHABILITATION LOAN**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute loan documents for a rehabilitation loan to Barndoor Properties, Inc.; and

To authorize the City Manager to make minor changes in the documents that do not increase the dollar amount of the contract and which are not less favorable for the City of Durham; and

To increase the project funding commitment from the initial allocation of \$140,000 to \$200,000; and

To authorize the expenditure of \$200,000 from 1996 Housing Bond Funds was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ENVIRONMENTAL EDUCATION SUMMER CAMP - PIEDMONT BIOREGIONAL INSTITUTE - WEST POINT ON THE ENO PARK**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with the Piedmont Bioregional Institute to provide an environmental education summer day camp at West Point on the Eno Park during the summer of 2002, with the only costs to the City being the provision of physical facilities and specified administrative services, such as registration; and

To authorize the City Manager to make minor changes to the contract such that the obligations of the contractor are not lessened and the obligations of the City are not increased was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: DURHAM APPEARANCE COMMISSION ANNUAL REPORT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the Durham Appearance Commission Annual Report was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**APRIL 15, 2002**

**SUBJECT: CITIZEN MATTER - REVEREND GEORGE TERRELL**

*Comments were heard at the April 4, 2002 Work Session from Reverend George Terrell about community concerns.*

**SUBJECT: CITIZEN MATTER - DONNA NORFOLK**

*Comments were heard at the April 4, 2002 Work Session from Donna Norfolk regarding the costs of the City of Durham's rezoning process.*

**SUBJECT: CITIZEN MATTER - JOSEPH ANCRUM**

*Comments were heard at the April 4, 2002 Work Session from Joseph Ancrum of 620 Cecil Street regarding the failure of pizza companies to make deliveries to his neighborhood.*

*This matter was referred to the Human Relations Department.*

**SUBJECT: CITIZEN MATTER - LEE C. VENTURA AND D. MITCH BARRON**

*Comments were heard at the April 4, 2002 Work Session from Lee Ventura and D. Mitch Barron regarding the proposed median cut on the Martin Luther King, Jr. Parkway.*

**SUBJECT: INTERLOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM COUNTY - DURHAM TOURISM DEVELOPMENT AUTHORITY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the interlocal agreement regarding membership of the Durham Tourism Development Authority was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CITY COUNCIL SUMMER SCHEDULE – CANCELLATION OF JULY 15, 2002 CITY COUNCIL MEETING**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance canceling the regular City council meeting in July 2002 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.



**APRIL 15, 2002**

**Ordinance #12547**

**SUBJECT: NCHFA (NORTH CAROLINA HOUSING FINANCE AGENCY) PROPOSALS – CONTINUED FROM THE 4-1-02 COUNCIL MEETING**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive an update from the administration regarding an extension until May 21, 2002, for the City of Durham to submit a response to the NCHFA on the eight (8) applications for federal tax credits was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: UPDATE ON THE OPTIONS FOR THE MULTI-MODAL TRANSPORTATION CENTER - 413 ASHTON PLACE - 300 JACKSON STREET - ROBERT CARLTON WHITE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the acquisition of the property located at 413 Ashton Place, Tax Map 039-04-004 and 300 Jackson Street, Tax Map 039-04-005, property of Robert Carlton White, for \$460,000 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: STAR WAREHOUSE PROPERTY – INTERLOCAL AGREEMENT BETWEEN CITY OF DURHAM AND COUNTY OF DURHAM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the Mayor to execute a deed of title for the Star Warehouse property to Durham County for the purpose of constructing a senior citizen center, with the deed including a right of re-entry in the event that the property ceases to be used for a senior center or other public purpose related to recreation; and

To authorize the City Manager to execute an interlocal agreement between the City of Durham and the County of Durham regarding the donation of the Star Warehouse property, which notes the right of re-entry included in the deed, and also provides that, should Durham County propose to sell the property in the future, or put it to non-public purpose recreational use, such sale or use would require the agreement of the City, and the City be paid the value of the underlying real estate at the time of such sale or approval of change of use was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**APRIL 15, 2002**

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: CHANGES TO THE NC 54/ I-40 CORRIDOR PLAN**

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, requested that all property owners be notified and involved in this process.

**MOTION** by Council Member Clement seconded by Council Member Stith to direct staff to reevaluate the designated uses in the NC54/I-40 Corridor Plan in the area bounded by the City Limits on the north, Crooked Creek on the east, Massey Chapel Road on the south, and Highway 751 on the west was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONTRACT EXTENSION – JANITORIAL SERVICES FOR THE POLICE DEPARTMENT BUILDING - QUALITY JANITOR SERVICE, INC.**

Victoria Peterson, of P. O. Box 101, expressed concern about the condition of chairs in the lobby of the Police Department.

Mayor Bell directed the City Manager to investigate this issue.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to extend the bid from Quality Janitor Service, Inc., of Durham, North Carolina in the amount of \$368,731.68 for providing janitorial services (24 months) at the Police Department Headquarters Building; and

To authorize the City Manager to extend the contract with Quality Janitor Service, Inc., of Durham, North Carolina in the amount of \$368,731.68 for providing janitorial services (24 months) at the Police Department Headquarters Building; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: USA BASEBALL – HILL CARROW**

To receive a presentation from Hill Carrow concerning efforts to relocate the USA Baseball's Headquarters to the City of Durham; and

**APRIL 15, 2002**

To adopt a resolution as amended of the City Council of the City of Durham in support of efforts to relocate USA Baseball to the City of Durham.

Victoria Peterson, of P. O. Box 101, raised a concern about this item noting the citizens can no longer continue to pay for people to relocate to this area.

Mayor Bell noted the baseball complex was an issue for Council because the City is not in a position to appropriate \$2 million for baseball fields.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, expressed hesitation about the USA Baseball project relative to what they are requesting.

Mayor Pro Tempore Cheek noted Council is not being asked to do anything at this time that would be costing the citizens of Durham.

Council Member Clement noted he was enthusiastic that Durham was considered as one of the cities for relocation of their headquarters.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to receive a presentation from Hill Carrow concerning efforts to relocate the USA Baseball's Headquarters to the City of Durham; and

To adopt a resolution as amended of the City Council of the City of Durham in support of efforts to relocate USA Baseball to the City of Durham was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Resolution #8852**

**SUBJECT: CITIZEN MATTER - NEWMAN AGUIAR – PARTNERS AGAINST CRIME – DISTRICT 2**

*Comments were heard at the April 4, 2002 Work Session from the District 2 PAC regarding the status of crime in District 2.*

Wilma Holmes, of 1210 W. Club Boulevard and representing the Walltown Community, expressed concern about crime in the neighborhood requesting more police protection for their sanity and safety due to robberies, break-ins, assaults and rapes in the surrounding area.

Mike Shiflett, of 1308 Broad Street and representing District 2, noted District 2 is in short supply of officers because of the addition of District 5. He suggested that Council adopt an adequate public facilities ordinance tied to an adequate CIP.

Lori Harris, representing Trinity Park Neighborhood, expressed public safety concerns and urged Council to focus on selecting a police chief that will be committed to

**APRIL 15, 2002**

community policy and to provide the police department with the resources they need to do their job.

Julie Holmes, of 1808 Sunset Avenue, made comments about the recent rapes that occurred in Durham and encouraged Council to take existing data to find the person responsible for these crimes.

Frank Crigler, of Trinity Park Neighborhood, expressed concern about the rape that occurred in the neighborhood employing Council to give high priority to providing the Police Department with additional resources.

Jamie Cox, of Trinity Park Neighborhood, made comments about the rape that took place on March 7<sup>th</sup> urging Council to provide them with adequate resources to protect their personal safety.

Jeff White, of Duke Park Neighborhood Association, expressed concern about the decrease in police coverage as a result of combining beats [Trinity Park and Old West] with Duke Park Neighborhood. Also, he requested that there be more police officers visible in the community.

Newman Aguiar, representing PAC 2, asked Council to create a visible police presence in the neighborhoods and suggested the following recommendations: 1) allocate in this budget cycle resources that should be allocated prior to the creation of District 5; 2) implement a plan with Sheriff Department to assist the Police Department; 3) ensure that the necessary resources are available to the Police Department; and 4) before the City annexes any more areas or plan further growth, please ensure that the required resources are allocated to various departments to support additional residents.

Discussion was held by the Mayor on police presence in the community.

Interim Police Chief Chalmers informed Council that he is in the process of completing an allocation study for the Police Department for 476 officers which involves every district in the City. He noted four call takers have been restored to District 2.

Mayor Bell asked Interim Police Chief if four police officers were taken away from District 2 and by adding four call takers back how many people would be back.

Interim Police Chief Chalmers noted by adding four call takers back to District 2, it would amount to two thirds of a person on a daily basis.

Council Member Clement asked the Interim Police Chief when would the concerns raised by the citizens be addressed--taking officers from District 2 to give to District 5.

City Manager Conner stated she would meet with residents of District 2 and the PAC chair to discuss the allocation plan and to address the issue of immediate visibility of officers due to the incidents that have occurred in the area over the last several months. She noted in terms of permanent allocation of officers to the District, staff needs time

**APRIL 15, 2002**

through the budget process and meeting with the districts to look at the impact and report back to Council in 30 days.

Council Member Cole-McFadden asked the Interim Police Chief if a partnership has been forged with the Sheriff Department.

Interim Police Chief Chalmers reported that staff has been in conversations with the Sheriff on numerous occasions and he is instructing the deputies to patrol the target areas identified throughout the City. Recently, the Sheriff indicated he is not certain what types of assistance his office would provide next fiscal year due to budget issues.

Council held discussion on the July academy and deadline for allocation study.

Interim Police Chief Chalmers noted the uniform patrol study could be provided in 30 days and the full allocation study of 476 officers would take 60 to 90 days.

Council Member Cole-McFadden suggested that there should be discussion with the Sheriff in coming up with a structured agreement, transferring officers to high crime areas and housed officers at the police station getting out of the office so that there is a police presence.

Council held discussion on the creation of District 5, allocation study and the policy for officers taking cars home.

Council Member Best made a suggestion that officers could take the long route home to patrol areas. Also, he directed the City Manager to set aside a special fund for more police officers/overtime during the budget process.

Mayor Bell and several Council Members spoke in support of police visibility in communities where there are problems. Also, the Mayor noted he would like to meet with the Sheriff to see how they can make better use of the two law enforcement agencies.

Interim Police Chief Chalmers noted he would come back with how the Police Department can reallocate more officers to taking calls and being proactive in the community and what are the deficiencies.

**MOTION** by Council Member Clement seconded by Council Member Best to request the City Manager to have the Police Department provide a follow-up report to the Council on May 20, 2002 and June 17, 2002 on positive actions taken by the Police Department on alleviating concerns noted by PAC 2 [additional officers being requested/increase in crime]; and

To include a report from the Sheriff Department on the formation of a partnership was approved at 8:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**APRIL 15, 2002**

**SUBJECT: SMALL BUSINESS LOAN PROGRAM REPAYMENT TO HUD**

To authorize the City Manager to submit \$77,000 to HUD by April 19, 2002 as a first payment for activities related to the City's Small Business Loan Program, and to further authorize the City Manager to make a minimum payment of \$200,000 per calendar year, with the outstanding balance due by December 30, 2004; and

To adopt "An Ordinance Amending The 2001-02 City Of Durham Budget Ordinance, As Amended, The Same Being Ordinance 12336" that increases revenues and appropriations in the General Fund by \$77,000.

Victoria Peterson, of P. O. Box 101, asked the City Manager how much money will be paid back to the Federal government and asked the Mayor to request the City Attorney to write a letter to the FBI regarding the status of the case, to request the District Attorney to call for a grand jury on this situation and to request the City Attorney to talk with bonding company.

City Manager Conner made comments highlighting the City has not been provided with a status report concerning the on-going FBI investigation, gave an overview of repayment plan to HUD -- \$77,000 this fiscal year, \$200,000 next fiscal year and \$200,000 the following fiscal year for an estimated total of \$477,000 and explained the process for reusing CDBG funds.

City Attorney Blinder made comments on the process/procedure for the FBI investigation, fidelity bonds and grand jury.

Mayor Bell asked the City Manager to communicate with the FBI regarding the status of the investigation.

Council Member Best requested the administration to give an overview on the history of the Downtown Development Loan Pool [why the City takes money from a water and sewer fund to make a downtown development loan to businesses/water and sewer enterprise fund] at a Council Work Session in the near future.

City Manager Conner noted a status report will be provided on the number of projects downtown at the May 23, 2002 City Council Work Session and would include the Downtown Development Loan Pool as part of that presentation.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to submit \$77,000 to HUD by April 19, 2002 as a first payment for activities related to the City's Small Business Loan Program, and to further authorize the City Manager to make a minimum payment of \$200,000 per calendar year, with the outstanding balance due by December 30, 2004; and

To adopt "An Ordinance Amending The 2001-02 City Of Durham Budget Ordinance, As Amended, The Same Being Ordinance 12336" that increases revenues and appropriations in the General Fund by \$77,000 was approved at 8:55 p.m. by the following vote: Ayes:

**APRIL 15, 2002**

Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Ordinance #12537**

**GENERAL BUSINESS AGENDA - PUBLIC HEARINGS**

**SUBJECT: FISCAL YEAR 2001-2002 CONSOLIDATED ACTION PLAN  
AMENDMENT PUBLIC HEARING**

To hold the fiscal year 2001-2002 Consolidated Action Plan Amendment public hearing on April 15, 2002 to receive citizen comments.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member Stith asked staff if there is an amendment to allocate funds for the Summer Youth Program.

Charlene Montford, Housing & Community Development Director, noted the infrastructure needs for Barnes Avenue project would not require \$100,000 in this fiscal year and requested \$30,000 be allocated for the Summer Youth Program decreasing the Barnes Avenue infrastructure improvements to \$70,000.

Council Member Stith asked staff if there would be an impact on the Barnes Avenue infrastructure improvements.

Charlene Montford, Housing & Community Development Director, reported the Durham YMCA has pulled their application for funding so there is an additional \$100,000 if there is a need to increase the Barnes Avenue infrastructure.

Council Member Cole-McFadden asked the administration if the Barnes Avenue infrastructure would be delayed by allocating \$30,000 for the Summer Youth Program.

Charlene Montford, Housing & Community Development Director, replied no.

Mayor Bell requested the administration to provide a status report on Barnes Avenue.

Council Member Best raised a concern about the Calvary Ministries of the West End, Inc. Culinary Arts Program [Change Use of funds (\$100,000) from Culinary Arts Program Development to Kitchen Equipment Purchase].

City Manager Conner outlined the difference between the Culinary Arts Program and the Kitchen Equipment.

**APRIL 15, 2002**

Council Member Clement raised a concern about management of the Calvary Ministries program.

City Manager Conner noted a proposal concerning the operation of facility will come back to Council at the May 20, 2002 City Council Meeting.

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cheek to hold the fiscal year 2001-2002 Consolidated Action Plan Amendment public hearing on April 15, 2002 to receive citizen comments; and

To direct the administration to allocate \$30,000 for the Summer Youth Program was approved at 9:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: FISCAL YEAR 2002-2003 CONSOLIDATED ACTION PLAN  
DRAFT PUBLIC HEARING**

To hold the fiscal year 2002-2003 Consolidated Action Plan Draft public hearing on April 15, 2002 to receive citizen comments.

Charlene Montford, Housing & Community Development Director, informed Council that the Durham YMCA has pulled their application for funding.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Audrey Mitchell, of 913 Onslow Street and President of Walltown Community Association, spoke in support of funding for expansion of the Walltown Recreation Center. Also, Ms. Mitchell noted she was informed by the Parks & Recreation Department that there would not be a feasibility study and the allocation (\$25,000) could be used for the addition and they could move forward with the expansion.

Council Member Cole-McFadden spoke in support of amending amount to include an allocation for the Walltown Recreation Center expansion.

Council Member Stith asked what amount would be needed for the expansion.

Charlene Montford, Housing & Community Development Director, stated Walltown did not submit a proposal this year.

Ms. Audrey Mitchell noted the Association does not have the final figures and was waiting for a response from Parks & Recreation Director Johnny Ford.

Charlene Montford, Housing & Community Development Director, commented on discussions she had last year with Johnny Ford noting funding for this project would be for a two-year period.



**APRIL 15, 2002**

Mayor Bell requested that \$100,000 be earmarked for the Walltown Recreation Center until additional information is provided on the expansion.

City Manager Conner reported that the administration would report back with a recommendation on the amount of funding and need assessment at the May 6, 2002 City Council Meeting.

Mayor Bell declared the public hearing closed.

Council held discussion on feasibility study and \$100,000 allocation.

For clarification, Mayor Bell noted the Council would be allocating \$100,000 towards exploring the possibility in terms of the request by Ms. Mitchell.

Council held discussion on the location of Youth Life & Community Foundation and the proposals.

Council Member Cole-McFadden requested applicants who receive funding to submit quarterly reports to the administration.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to hold the fiscal year 2002-2003 Consolidated Action Plan Draft public hearing on April 15, 2002 to receive citizen comments; and

To direct the administration to dedicate \$100,000 to investigate the feasibility assessment and expansion for the Walltown Community Center was approved at 9:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ORDERING PETITIONED IMPROVEMENT - WATER MAIN ON MASSEY CHAPEL ROAD**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to adopt a resolution ordering Water Main on Massey Chapel Road - From Abron Drive to Fayetteville Road was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**APRIL 15, 2002**

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL – WATER MAIN ON NORTH WILLOWHAVEN DRIVE**

To adopt a resolution confirming the assessment roll for North Willowhaven Drive - from Umstead Road to Russell Road.

Due to objections, Lee Murphy, of the Public Works Department, requested the public hearing be continued without further advertising and that the properties of Terry C. and Rebecca Swanger; Stephen and Laura Ann Howard; and James K. Beck, II be referred to the May 23, 2002 City Council Work Session for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a resolution confirming the assessment roll for North Willowhaven Drive - from Umstead Road to Russell Road; and

To continue the public hearing without further advertising and to refer the properties of Terry C. and Rebecca Swanger; Stephen and Laura Ann Howard; and James K. Beck, II to the May 23, 2002 City Council Work Session for further consideration was approved 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL – SEWER MAIN ON NORTH WOODCREST STREET**

Lee Murphy, of the Public Works Department, made comments noting that staff recommends confirming assessment roll.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution confirming the assessment roll for Sewer Main on North Woodcrest Street - from Rochelle Street to South P/L TM 378-2-3A was approved at 9:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: LAND USE PLAN AMENDMENT CASE: A01-14 - R.L. HORVATH & ASSOCIATES, INC. - NORTH SIDE OF U.S. 70; EAST OF MINERAL SPRINGS ROAD**

**APRIL 15, 2002**

Land Use Plan Amendment Case: A01-14

Applicant: R.L. Horvath & Associates, Inc.

Location: North side of U.S. 70; east of Mineral Springs Road

Request: Change the future land use designation from Office and High Density Residential to Commercial.

The Durham City Council held the public hearing on January 7, 2002.

Planning Commission Recommendation and Vote: Denial (9-2) October 24, 2001

Planning Department Recommendation: Denial

To adopt a resolution to amend the Future Land Use Map of the Southeast Durham Plan to identify as COMMERCIAL the recommended future use of parcels 0759-01-09-0275, 0759-01-19-9198 (partial) and 0850-03-01-7009 (partial) and to identify as HIGH DENSITY RESIDENTIAL the recommended future use of parcel 0850-03-01-7009.

Dwight Yarborough, of the City/County Planning Department, briefed Council on this item noting that a 60-day deferral was granted by Council at its February 4, 2002 Council Meeting, commented on land use plan amendment and staff's recommendation of denial.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Jack Markham, representing the applicant, requested a deferral on this item and Rezoning Case: P00-71 [Real Estate Associates] for 120 days noting Triad developers who were the proponents and petitioners in the Village Creek rezoning had backed out of the deal.

**MOTION** by Council Member Clement seconded by Council Member Stith to continue the public hearing without further advertising for 120 days on Land Use Amendment Case A01-14 was approved at 9:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REZONING CASE: P00-71 - REAL ESTATE ASSOCIATES - 44.43  
ACRES ON THE NORTH SIDE OF US 70, EAST OF SANDERS  
AVENUE**

Rezoning Case: P00-71

Applicant: Real Estate Associates

Location: 44.43 acres on the north side of US 70, east of Sanders Avenue. One parcel and portions of two others identified as: 0759-01-09-0275, 0759-01-19-9198 (partial); and 0850-03-01-7009 (partial), corresponding to Tax Map 655-01-005 (partial).

Request: Rezoning from SC, OI-2 and R-20 to SC(D),OI-2(D); (F/J-B) watershed protection overlay area.

**APRIL 15, 2002**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of SC, OI-2, and R-20 and placing same in and establishing same as SC(D) and OI-2(D), F/J-B.

Zoning Committee Recommendation and Vote: Denial – (7-0)

Planning Department Recommendation: Denial

Sheila Stains-Ramp, of the City/County Planning Department, informed Council that the applicant has requested a deferral for 120 days.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**MOTION** by Council Member Stith seconded by Council Member Clement to continue the public hearing without further advertising on Rezoning Case P00-71 for 120 days was approved at 9:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REZONING CASE: P01-46 - BLUE DEVIL VENTURES - 0.888-ACRE SITE AT 301 LIGGETT STREET**

Rezoning Case: P01-46

Applicant: Blue Devil Ventures

Location: 0.888-acre site at 301 Liggett Street, PIN 0821-08-88-1987 and 0821-08-88-0987 (Tax Map 60, Block 3, parcels 1C and 3)

Request: Rezoning from I-2 (Light Industrial District) DTA (Downtown Transition Area District) to CBD(D) (Central Business District with Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2 and DTA and placing same in and establishing same as CBD(D).

Zoning Committee Recommendation and Vote: Approval – (5-2)

Planning Department Recommendation: Approval

Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report commenting on the use, proposal is consistent with Downtown Master Plan and 2020 Comprehensive Plan and conceptual master plan. Also, she noted the applicant has committed to providing one parking space per unit, residential uses only and an additional right-of-way dedication. She stated the applicant would have to come back to Council for a Major Special Use Permit for that particular density.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**APRIL 15, 2002**

**Proponent**

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this rezoning noting it would assist in the City's effort to encourage downtown revitalization, stated a development plan has been attached to the proposal and urged Council to approve this rezoning.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

Council Member Stith asked staff if parking is acceptable and asked the applicant to comment on the design of proposal.

Relative to parking, Sheila Stains-Ramp replied yes.

Phil Freelon, representing the applicant, noted the exterior design of the building would be compatible and sympathetic to adjacent structures.

**MOTION** by Council Member Clement seconded by Council Member Best to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2 and DTA and placing same in and establishing same as CBD(D) was approved at 9:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REZONING CASE: P01-70 - UNIVERSITY ASSOCIATES - 2.36 ACRES LOCATED AT 41321 OLD CHAPEL HILL ROAD (UNIVERSITY DRIVE)**

Rezoning Case: P01-70

Applicant: University Associates

Location: 2.36 acres located at 41321 Old Chapel Hill Road (University Drive). 0800-04-90-5997 and 04-92-5095 (partial) (Tax Map 467-1-2 & 3E (partial)).

Request: Rezoning from RM-8 (Multifamily Residential) and R-20 (Residential 20) to OI-2 (D) General Office and Institutional with Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-8 and R-20 and placing same in and establishing same as OI-2(D).

Zoning Committee Recommendation and Vote: Approval – (7-0) (February 12, 2002)

Zoning Committee voted to forward the revised case with no further comments at their March 12, 2002 meeting.

Planning Department Recommendation: Approval

**APRIL 15, 2002**

Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report noting there is a development plan attached to this proposal, commented on use, two access drives and committed elements on development plan to include: bus shelter on University Drive, one shade tree, dumpster screening shall be of same materials/appearance. Also, she noted staff recommended approval based on compliance with adopted plans and commented on the Zoning Committee's recommendation.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Jim Sorgi, representing the applicant, spoke in support of this rezoning request.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-8 and R-20 and placing same in and establishing same as OI-2(D) was approved at 9:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REZONING CASE: P01-71 - REVEILLE, LLC - 116.66 ACRES ON THE NORTHEAST CORNER OF THE I-40/NC 751 INTERCHANGE. 3 PARCELS INCLUDING RIGHT OF WAY FOR THE NORFOLK AND SOUTHERN RAILROAD**

Rezoning Case: P01-71

Applicant: Reveille, LLC

Location: 116.66 acres on the northeast corner of the I-40/NC 751 interchange.

3 parcels including right of way for the Norfolk and Southern Railroad, PIN 0718-03-24-7506; 0718-01-35-8755; and 0718-03-34-9635 (Tax Map 503-01-001D, 1E and 2).

Request: Rezoning from GC(D) (General Commercial with Development Plan), OI-2(D) (General Office and Institutional District) & RM-8(D) (Multifamily Residential District) to GC(D), OI-2(D) & RM-8(D) & F/J-B & MTC (partial).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of GC(D), OI-2(D) and RM-8(D) and placing same in and establishing same as GC(D), OI-2(D) & RM-8(D) and F/J-B & MTC (partial).

Zoning Committee Recommendation and Vote: Denial – (6-1)

Planning Department Recommendation: Approval

**APRIL 15, 2002**

Mayor Bell noted this rezoning was deferred to the May 6, 2002 City Council Meeting at the Council Work Session.

**MOTION** by Council Member Stith seconded by Council Member Clement to defer this rezoning to the May 6, 2002 City Council Meeting was approved at 9:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Note: Additional discussion was held on this item later in the meeting.**

**SUBJECT: ORDERING PETITIONED IMPROVEMENTS - CURB, GUTTER AND PAVING, WATER MAIN AND WATER AND SEWER LATERALS ON BEEBE DRIVE – *CONTINUED FROM THE 4-1-02 COUNCIL MEETING***

Lee Murphy, of the Public Works Department, made comments noting that staff received a valid petition and is recommending the improvement.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt a resolution ordering Curb, Gutter and Paving, Water Main and Water and Sewer Laterals on Beebe Drive from Barbee Road to west property line of Tax Map 517-1-12A was approved at 9:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - CURB, GUTTER AND PAVING ON PEARSON DRIVE – *CONTINUED FROM THE 4-1-02 COUNCIL MEETING***

To adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Pearson Drive from Bay Point Drive to Fayetteville Road; Bay Point Drive from Pearson Drive to Overby Drive and Overby Drive from Bay Point Drive to Mimosa Drive.

Due to objections, Lee Murphy, of the Public Works Department, requested the public hearing be continued without further advertising and that the properties of Lisa Toomer & Kelwin Biggs; Ernest & Elizabeth Clinton be referred to the May 9, 2002 City Council Work Session for further consideration.

**APRIL 15, 2002**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Pearson Drive from Bay Point Drive to Fayetteville Road; Bay Point Drive from Pearson Drive to Overby Drive and Overby Drive from Bay Point Drive to Mimosa Drive; and

To continue the public hearing without further advertising and to refer the properties of Lisa Toomer & Kelwin Biggs; Ernest & Elizabeth Clinton to the May 9, 2002 City Council Work Session for further consideration was approved 9:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - WATER AND SEWER LATERALS ON PEARSON DRIVE – *CONTINUED FROM THE 4-1-02 COUNCIL MEETING***

Lee Murphy, of the Public Works Department, noted that staff recommends confirming assessment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a resolution confirming the assessment roll for Water and Sewer Laterals on Pearson Drive from Bay Point Drive to Fayetteville Road; Bay Point Drive from Pearson Drive to Overby Drive and Overby Drive from Bay Point Drive to Mimosa Drive was approved at 9:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**[ITEMS ADDED TO THE AGENDA]**

**SUBJECT: EPA VULNERABILITY ASSESSMENT GRANT APPLICATION REQUEST**

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a Resolution Directing City Manager to File Grant Application for Water Facilities Vulnerability Assessment was approved at 9:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.



**APRIL 15, 2002**

**Resolution #8853**

**SUBJECT: SUBRECIPIENT CONTRACT WITH EAGLE VILLAGE, CDC –  
INFRASTRUCTURE IMPROVEMENTS ON MURPHY STREET**

City Manager Conner made comments noting there are two corrections to the Scope of Services Attachment A of subrecipient contract with Eagle Village, CDC for infrastructure improvements on Murphy Street (changing the number of units from 11 to 10 and increasing the allowable income of purchasers from 60% of the median to 80% of the median.

Council Member Clement disclosed that he was a former Eagle Village board member and has no financial interest in this matter.

**MOTION** by Council Member Stith seconded by Council Member Best to approve amending the Scope of Services Attachment A of subrecipient contract with Eagle Village, CDC for infrastructure improvements on Murphy Street (changing the number of units from 11 to 10 and increasing the allowable income of purchasers from 60% of the median to 80% of the median was approved at 9:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

At this time during the meeting, additional action was taken on Rezoning Case P01-71 [Reveille, LLC].

Attorney Kenneth Spaulding asked if the public hearing was opened and continued to May 6, 2002 City Council Meeting for Rezoning Case P01-71 [Reveille, LLC].

It was indicated that the public hearing was not opened.

**MOTION** by Council Member Stith seconded by Council Member Clement to reconsider the previous action on Rezoning Case: P01-71 Reveille, LLC was approved at 10:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REZONING CASE: P01-71 - REVEILLE, LLC - 116.66 ACRES ON  
THE NORTHEAST CORNER OF THE I-40/NC 751  
INTERCHANGE. 3 PARCELS INCLUDING RIGHT OF WAY  
FOR THE NORFOLK AND SOUTHERN RAILROAD**

Rezoning Case: P01-71

Applicant: Reveille, LLC

Location: 116.66 acres on the northeast corner of the I-40/NC 751 interchange.

**APRIL 15, 2002**

3 parcels including right of way for the Norfolk and Southern Railroad, PIN 0718-03-24-7506; 0718-01-35-8755; and 0718-03-34-9635 (Tax Map 503-01-001D, 1E and 2).

Request: Rezoning from GC(D) (General Commercial with Development Plan), OI-2(D) (General Office and Institutional District) & RM-8(D) (Multifamily Residential District) to GC(D), OI-2(D) & RM-8(D) & F/J-B & MTC (partial).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of GC(D), OI-2(D) and RM-8(D) and placing same in and establishing same as GC(D), OI-2(D) & RM-8(D) and F/J-B & MTC (partial).

Zoning Committee Recommendation and Vote: Denial – (6-1)

Planning Department Recommendation: Approval

Mayor Bell opened the public hearing on this rezoning case.

**MOTION** by Council Member Stith seconded by Council Member Cole-McFadden to continue the public hearing without further advertising on Rezoning Case P01-71 [Reveille, LLC] to the May 6, 2002 City Council Meeting was approved at 10:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

There being no further business to come before the City Council, the meeting was adjourned at 10:01 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk